



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

OCT 12 2012

East Building, 5th Floor – TCR
1200 New Jersey Avenue SE
Washington, DC 20590

Mr. Wayne Y. Yoshioka
Director
City and County of Honolulu
Department of Transportation Services
650 S. King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

This letter concerns the Federal Transit Administration's (FTA) Americans with Disabilities Act (ADA) Complementary Paratransit Service Review of the Department of Transportation Services (DTS), which was conducted from January 25–28, 2010. FTA would like to thank DTS staff and contractors for the cooperation provided to the review team during the on-site review, and in subsequent interactions. Enclosed is a copy of the Final Report which will be posted on FTA's website on our ADA page. As previously discussed, DTS' response to the Draft Report (response), which we received on September 11, 2012, is included as Attachment A.

As discussed during our conference call on October 10, 2012, we have extracted DTS' corrections to material statements of fact contained within its response, obtained corroboration from the review team on six points and we have made the necessary corrections. The majority of DTS' response, however, appeared to be intended as a response to the findings contained in the draft report, which we did not request nor expect to be returned within the ten-day review period. DTS is afforded the same 30-day period following the issuance of the final report to devote its full attention to the development and submission of its corrective action plan. With the transmission of the enclosed Final Report, that period has now begun.

At this time, we ask DTS to provide a written response within 30 days of the date of this letter listing its proposed corrective actions (and implementation dates) to address the specific findings in the Final Report.

In addition to the findings described in the report, FTA has also identified several issues contained in DTS public information or in supplemental information provided by DTS during subsequent communications with DTS and/or its contractors (primarily the March 2011 revision to the *Handi-Van Rider's Guide* and the DTS "interim update" dated September 29, 2010). Because these items were provided after the site visit, they are not addressed in the Final Report and will be addressed outside of the compliance review process; however, many of these additional issues are relevant to the findings contained in this report. Whether DTS elects to address these issues separately or in concert with the findings contained in the report is a matter for DTS to determine.

Upon review of DTS' "interim update," dated September 29, 2010, the following items were noted:

- The information in the interim update" concerning telephone performance referenced a "quick fix" described as "Take the phone off the hook when away from desk." As part of DTS' corrective

action plan, DTS must direct OTS to cease this practice and provide a copy of the directive to FTA.

- The information concerning on-time drop-offs to appointments stated that work is in progress on this item and that the contractor had eliminated appointment times for all return to home trips. As part of DTS' corrective action plan, FTA requests an explanation of the policy and a copy of the policy or directive.
- The update related to elimination of ADA paratransit denials, referenced DTS' *Short Range Transit Operations Plan*. As part of DTS corrective action plan, FTA requests a copy of DTS' *Short Range Transit Operations Plan*.
- DTS stated that corrective action had been taken with respect to its policy for declaring rider no-shows. As part of DTS corrective action plan, FTA requests an explanation of the corrective action taken and a copy of the current policy.
- DTS stated that corrective action had been taken with respect to defining trips missed by DTS. As part of DTS corrective action plan, FTA requests an explanation of the corrective action taken and a copy of the current policy.

Upon review of DTS public information, and/or discussed in subsequent telephone conversations with DTS and its contractor, the following items were noted:

- According to the March 2011 revision to the *Handi-Van Rider's Guide* (Page 6), DTS appeared to provide only curb-to curb service. In its September 29, 2010 "interim update," DTS referenced "site investigation reports." As part of DTS' response to this item, FTA requests a description of these reports and examples of these reports.
- The March 2011 revision to the *Handi-Van Rider's Guide* (Page 11) stated, "Handi-Van service is generally throughout Oahu, Mondays through Sundays from about 4 a.m. through 1 a.m. All-day-all night service (24 hours per day) is available in areas located within three fourths of a mile of TheBus Routes 2 and 40." This reflects an apparent increase in Handi-Van service hours from those at the time of the on-site review. FTA requests clarification that ADA paratransit service is available during the same hours and days as the fixed-route system, particularly within the minimum ¾-mile service area for routes 2, 40, 88A, 52 and 412 and an explanation of how eligible riders and applicants determine whether or not service is available to and from destinations they wish to travel.
- The March 2011 revision to the *Handi-Van Rider's Guide* (Page 19) states that Handi-Van can offer "will call" service "If you are not sure when your appointment will end," and "you may call when you are ready to be picked up. Your return trip will be worked in with the next available van." To determine whether DTS is meeting its obligations under the DOT ADA regulations, FTA requests updated information on how DTS currently operationalizes "will call" trips, including DTS' most recent analysis of the impacts on its ability to provide ADA complementary paratransit service on a next-day basis.
- The March 2011 revision to the *Handi-Van Rider's Guide* (Page 20) states, "Every attempt will be made to schedule your ride at the time you order it. You may call back the following day and ask for your scheduled pickup time." FTA requests that DTS explain how it ensures that trips are not scheduled more than one hour before or after the rider's requested time; how it ensures that trip times offered more than one hour before or after a rider's requested time are recorded as denials,

whether or not the rider agrees to the time; and how the rider's pickup times are communicated to the rider. FTA also requests a description of how DTS ensures that the proper number of denials are recorded when the inability to provide one trip causes a rider to be unable to make subsequent trips.

- The March 2011 revision to the *Handi-Van Rider's Guide* (Page 23) states "Riders who have repeated no-shows may be suspended from TheHandivan service." Please specify what DTS considers "repeated" no shows, as service can only be suspended for riders who engage in a *pattern or practice* of missing scheduled trips. Please also provide the current no-show rate for Handi-Van service.
- As initially discussed on our June 6, 2011 call with DTS and IP, FTA requests information on the number of paratransit eligibility appeals requested, decisions reversed, decisions upheld, and decisions remanded to DTS for reconsideration during the past six months. FTA requires that DTS submit current copies of appeal policies, procedures and public information on the appeal process so that FTA can determine whether the process meets the requirements under §37.125(g) of the DOT ADA regulations.
- As initially discussed with DTS on our September 6, 2011 call, FTA requests that DTS provide a copy of its current fleet roster, including the 38 vehicles that reportedly went into service in August 2011, and any additional updates that DTS wishes to provide on its current vehicle replacement and expansion plans.
- Due to the removal of the term "common wheelchair" from the DOT ADA regulations (49 CFR 37.3), the *Handi-Van Rider's Guide* and other public information should be revised to delete references to this term. Effective October 19, 2011, the term "wheelchair" was revised to mean "a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered." FTA directs DTS to revise public information accordingly, as part of its corrective action plan.
- As of May 2012, the DTS website stated that the *Handi-Van Rider's Guide* "is only intended for those whose applications for TheHandi-Van service have already been approved by DTS." FTA requests that DTS describe how information in the *Handi-Van Rider's Guide* is provided to both applicants and prospective applicants.
- As of May 2012, it appeared that the *Handi-Van Rider's Guide* was available for download from the DTS website in PDF format only. The cover page states that that the document is available in an accessible format and lists a telephone number for individuals to call. Section 37.125(b) of the DOT ADA regulations states that all information related to eligibility and the eligibility determination process must be made available in accessible formats upon request. FTA requests that DTS describe how this requirement is met for both applicants and prospective applicants.
- As of May 2012, *TheHandi-Van Eligibility Information (Brochure/Flyer)* suggested that applicants had the option to bring documentation of psychiatric and vision disabilities from a health care provider to the interview/assessment. However, at the time of the review, when applicants indicating these disabilities called to schedule appointments, IP told them this information was required. Because a diagnosis of a psychiatric disability and /or vision loss at the level of legal blindness or greater cannot be determined through a physical functional assessment, DTS must revise public information and processes to resolve the apparent discrepancy between print and verbal instructions to minimize potential delays to applicants participating in the

interview/assessment. As part of DTS' response to this, please provide copies of the revised public information and policies to FTA.

Please provide DTS's corrective action plan electronically within 30 days of the date of this letter to Susan Clark, Equal Opportunity Specialist, via email at sue.clark@dot.gov, with a copy to Derrin Jourdan, FTA Region 9 Civil Rights Officer, at derrin.jourdan@dot.gov. Thank you.

Sincerely,



John R. Day
ADA Team Leader
FTA Office of Civil Rights

Enclosures

cc: Leslie Rogers, Regional Administrator, FTA Region 9
Derrin Jourdan, Regional Civil Rights Officer, FTA Region 9
Geri Ung, DTS
Eileen Mark, DTS
Peter B. Carlisle, Mayor (Copy Enclosed)
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